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APPLICATION NO.	E	TLING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
09/277,312	09/277,312 03/26/1999		MARK R. BUCKINGHAM	53836USA1A	3332	
32692	7590	10/09/2003	EXAMINER		INER	
		PROPERTIES CO	SZEKELY, PETER A			
PO BOX 33 ST. PAUL,		33-3427	ART UNIT	PAPER NUMBER		
,				1734		
				DATE MAILED: 10/09/2003		

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary    Communication   Examiner		Application No.	Applicant(s)				
Peler Szekely  1714  The MAILING DATE of this communication appears on the cover sheet with the correspondence address -  Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  The period for reply specified above is feet than shirty (30) days, is negly to be conditioned simely.  If the period for reply specified above is feet than shirty (30) days, a truby within the addutory minimum of birdy (30) days will be conditioned simely.  If the period for reply specified above is feet than shirty (30) days, a truby with the shirty with the shirty of the communication.  If the period for reply specified above is feet than shirty (30) days, a truby with the shirty with the shirty of the shirty shirty of the communication.  A prophy received by the Office fear than these months after the mailing date of this communication, even if timely filed, may reduce any counted parties.  Status  Status  Status  Status  This action is FINAL.  2b) This action is non-final.  3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) Claim(s) \$\frac{1}{2}\$ is fare pending in the application.  4) Claim(s) \$\frac{1}{2}\$ is fare a pending in the application.  4) Claim(s) \$\frac{1}{2}\$ is fare objected to.  3) Claim(s) \$\frac{1}{2}\$ is fare objected to by the Examiner.  Application Papers  9) The specification is objected to by the Examiner.  If approved, corrected drawings are required in reply to this Office action.  11) The proposed drawing correc	Office Action Summan	09/277,312	BUCKINGHAM ET AL.				
The MALIUNG DATE of this communication appears on the cover sheet with the correspondence address — Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ③ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  Extracions from mybe available under the provisions of 3 CPR.1.13(a), in no event, however, may a reply be timely filled after 50X (5) MONTHS from the mailing date of this communication.  Extracions from mybe available under the provisions of 3 CPR.1.13(a), in no event, however, may a reply be timely filled after 50X (5) MONTHS from the mailing date of this communication.  False to reply within the set or extended period for reply will, by detailed, period will welph set XI(MONTHS from the mailing date of this communication.  False to reply within the set or extended period for reply will, by detailed, and will welph set XI(MONTHS from the mailing date of this communication, even if timely filled, may reduce any XI and part terms alphament. Set 2 CPR 1.17(db).  Status  1) □ Responsive to communication(s) filled on 10 September 2003.  2a) □ This action is FINAL.  2b) □ This action is ron-final.  3) □ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) □ Claim(s) ② 1 is/are pending in the application.  4a) Of the above claim(s) is/are withdrawn from consideration.  5) □ Claim(s) ③ 1 is/are rejected.  7) □ Claim(s) ③ 1 is/are rejected.  7) □ Claim(s) ③ 1 is/are rejected.  8) □ Claim(s) ③ 1 is/are rejected.  10) □ The drawing(s) filled on is/are: a) □ accepted or b) □ objected to by the Examiner.  10) □ The drawing(s) filled on is/are: a) □ accepted or b) □ objected to by the Examiner.  11 approved, corrected drawings are required in reply to this Office action.  12 □ The oath or declaration is objected to by the Examiner.  13 □ Acknowledgment is made of a claim for foreign priority under 35	Office Action Summary	Examiner	Art Unit				
Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MALLING DATE OF THIS COMMUNICATION.  after SX (19 MONTH'S from the maining date of processor of the		-	l l				
THE MAILING DATE OF THIS COMMUNICATION.  - Extensions of time may be available under the provisions of 37 CPR. 135(a). In no event, however, may a repty be timely filled after 50x (6) MONTHS from the mailing date of this communication.  - If the period for repty sections does it less than they (0) does, a repty within the catalogy minimum of thiny, 20) days will be considered stranky.  - Palaire for repty within the set or extended period for repty will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).  - Any repty received by the Office ther than there morths after the mining date of this communication, even if timely filled, may reduce any searched palent time adjustment. See 37 CPR 1.704(b).  Status  1) A Responsive to communication(s) filled on 10 September 2003.  2a) This action is FINAL.  2b) This action is non-final.  3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) Claim(s) 31 is/are pending in the application.  4) Claim(s) 31 is/are pending in the application.  4) Claim(s) 31 is/are are subject to restriction and/or election requirement.  Application Papers  9) The specification is objected to by the Examiner.  10) The drawing(s) filled on is/are objected to by the Examiner.  10) The proposed drawing correction filed on is: a) accepted or b) objected to by the Examiner.  Application Papers  9) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) Acknowledgment is made of a claim for domestic priority documents have been received.  2. Certified copies of the priority documents have been received.  11) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 120 and/or 121.  Attachment(e)  11) Notice of Indersenses Cited (PTO-582)  21) Notice of In							
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3  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4)  Claim(s)  3  is/are pending in the application.  4a) Of the above claim(s)  is/are withdrawn from consideration.  5)  Claim(s)  is/are allowed.  6)  Claim(s)  is/are allowed.  7)  Claim(s)  is/are objected to.  8)  Claim(s)  is/are objected to.  8)  Claim(s)  is/are objected to restriction and/or election requirement.  Application Papers  9)  The specification is objected to by the Examiner.  10)  The drawing(s) filed on  is/are: a) accepted or b) objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  11)  The proposed drawing correction filed on  is: a) approved b) disapproved by the Examiner.  If approved, corrected drawings are required in reply to this Office action.  12)  The oath or declaration is objected to by the Examiner.  Priority under 35 U.S.C. §§ 119 and 120  13)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a)  All b) Some c) None of:  1.  Certified copies of the priority documents have been received.  2.  Certified copies of the priority documents have been received in Application No  3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  14)  Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  a)  The translation of the foreign language provisional application has been received.  15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.  Attachment(e)  4) Interview Summary (PTO-413) Paper No(s)  5) Notice of References Cited (PTO-	1) Responsive to communication(s) filed on 10 S	September 2003 .					
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Priority under 35 U.S.C. §§ 119 and 120  13)	11)☐ The proposed drawing correction filed on is: a)☐ approved b)☐ disapproved by the Examiner.						
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13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) All b) Some * c) None of:  1. Certified copies of the priority documents have been received.  2. Certified copies of the priority documents have been received in Application No  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  a) The translation of the foreign language provisional application has been received.  15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.  Attachment(s)  1) Notice of References Cited (PTO-892)  4) Interview Summary (PTO-413) Paper No(s)  5) Notice of Informal Patent Application (PTO-152)	12)☐ The oath or declaration is objected to by the Examiner.						
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Application/Control Number: 09/277,312

Art Unit: 1714

## **DETAILED ACTION**

## Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claim 31 is rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for an expansion ratio of 1.6-9.5, does not reasonably provide enablement for an expansion ratio which is higher than the expansion ratio with volatiles present by a factor of 2.9-infinity. The specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make or use the invention commensurate in scope with these claims. See Tables 8-11.

## Claim Rejections - 35 USC § 102

- 3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
- 4. Claim 31 is rejected under 35 U.S.C. 102(b or e) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Okisaki et al. 5,810,914, Horacek 6,031,040 or Gato 6,124,394, in view of von Bonin et al. 4,694,030, von Bonin 4,729,853, von Bonin 5,053,148, von Bonin 5,094,780, von Bonin et al. 5,173,515 or von Bonin 5,382,387, with Welna 5,578,671 used as a teaching reference.
- 5. Horacek shows mixing by twin-screw extruder in Example 1. The softness value and the expansion ratio are inherent in the composition. Since the primary references

use waterless and solventless powders, the required use of dried latices is meaningless. The drying of the latices is not shown as a separate process step. The rejection is maintained.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter Szekely whose telephone number is (703) 308-2460. The examiner can normally be reached on 7:00 a.m.-5:30 p.m. Tuesday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vasu Jagannathan can be reached on (703) 306-2777. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

Peter Szekely Primary Examiner Art Unit 1714

P.S. 9/26/03